

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

DALE HARTKEMEYER,)	
)	
Plaintiff,)	
)	
v.)	No. 2:20-cv-00336-JMS-DLP
)	
WILLIAM P. BARR, et al.)	
)	
Defendants.)	
_____)	
FATHER MARK OKEEFE,)	
)	
Intervenor Plaintiff.)	

Order Setting Deadline to File Surreply

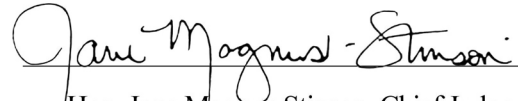
Mr. Hartkemeyer's motion for preliminary injunction and supporting memorandum argued primarily that the defendants' scheduling of Mr. Purkey's execution during a pandemic substantially burdened their sincerely held religious beliefs. Dkt. 7 at 29. In response, the defendants filed a declaration from Rick Winter, outlining the execution protocol, including the points of exposure for any religious advisors, as well as the planned safety measures. *See* dkt. 33-1. In reply, Mr. Hartkemeyer provided declarations from two experts, Dr. Joe Goldenson and Dr. Nina Fefferman, explaining why these safety measures are inadequate and why the protocol outlined in Mr. Winter's declaration exposes the religious advisors to unsafe levels of risk. Dkts. 57 and 58.

In light of this additional evidence, the defendants shall have **through 12:00 noon on July 13, 2020**, to file a surreply in opposition to the plaintiffs' motions for preliminary injunction. This surreply should discuss the degree to which the protocol outlined by Mr. Winter minimizes the risk of COVID-19 transmission to Mr. Hartkemeyer and Fr. O'Keefe; the issue of ventilation

raised by Dr. Goldenson; the expert medical or scientific advice, if any, that informed the protocol; and any changes to the protocol following the recent confirmed COVID-19 infection of an FCC Terre Haute staff member.

IT IS SO ORDERED.

Date: 7/12/2020

A handwritten signature in black ink, reading "Jane Magnus-Stinson". The signature is written in a cursive, flowing style.

Hon. Jane Magnus-Stinson, Chief Judge
United States District Court
Southern District of Indiana

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